ORIGINAL

Form 1-1

UNITED STATES COURT OF INTERNATIONAL TRADE

FORM 1

INDEX NUMBER MUST BE SHOWN ON ALL PAPERS FILED WITH THE COURT

08-00442

Margaritelli USA Inc.

Plaintiff,

v.

UNITED STATES,

Defendant.

SUMMONS

TO: The Attorney General and the Secretary of Homeland Security:

PLEASE TAKE NOTICE that a civil action has been commenced pursuant to 28 U.S.C. § 1581(a) to contest denial of the protest specified below (and the protests listed in the attached schedule).

/s/ Tina Potuto Kimble
Clerk of the Court

PROTEST

Port of Entry:	Newark, New Jersey	Date Protest Filed:	03/07/2008
Protest Number:	4601-08-100550	Date Protest Denied:	08/08/2008
Importer:	Margaritelli USA Inc.		
Category of Merchandise:	Unassembled multi-layer wood flooring strips		

ENTRIES INVOLVED IN ABOVE PROTEST

Entry Number	Date of Entry	Date of Liquidation	Entry Number	Date of Entry	Date of Liquidation
442-6324479-8	06/26/2007	02/01/2008			
442-6329383-6	08/23/2007	02/01/2008			
442-6323950-9	06/20/2007	02/08/2008			

Port Director,
U.S. Customs and Border Protection
1100 Raymond Boulevard
Newark, NJ 07102

Address of Customs Port in Which Protest was Denied

Herbert J. Lynch, Esq.
Sullivan & Lynch, P.C.
56 Roland Street
Boston, MA 02129
(617) 591-8787

Name, Address and Telephone Number of Plaintiff's Attorney

Form 1-2

CONTESTED ADMINISTRATIVE DECISION

Appraised Value of Merchandise

	Statutory Basis	Statement of Value
Appraised:		
Protest Claim:		

Classification, Rate or Amount

	Assessed		Protest Claim	
Merchandise	Paragraph or Item Number	Rate	Paragraph or Item Number	Rate
unassembled multi-layer hardwood flooring strips	4412.32	8%	4409.29 or 4418.90	free 3.2%

Other

State Specifically the Decision [as Described in 19 U.S.C. § 1514(a)] and the Protest Claim:

The issue which was common to all such denied protests:

Tariff Classification of unassembled multi-layer hardwood flooring stripes and whether an established and uniform practice exists to classify Plaintiff's merchandise under HTSUS subheading 4409.29.

Every denied protest included in this civil action was filed by the same above-named importer, or by an authorized person in the importer's behalf. The category of merchandise specified above was involved in each entry of merchandise included in every such denied protest. The issue or issues stated above were common to all such denied protests. All such protests were filed and denied as prescribed by law. All liquidated duties, charges or exactions have been paid, and were paid at the port of entry unless otherwise shown.

Signature of Plaintiff's Attorney

December 24, 2008

Date

Form 1-3

SCHEDULE OF PROTESTS

Newark, New Jersey

Port of Entry

Protest Number	Date Protest Filed	Date Protest Denied	Entry Number	Date of Entry	Date of Liquidation
4601-08-100992	05/02/2008	08/29/2008	442-6326663-0	05/21/2007	02/29/2008

Port Director of Customs,

If the port of entry shown above is different from the port of entry shown on the first page of the summons, the address of the Port Director for such different port of entry must be given in the space provided.

(As amended Sept. 30, 2003, eff. Jan. 1, 2004; Nov. 28, 2006, eff. Jan. 1, 2007.)

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U.S. COURT OF
INTERNATIONAL TRADE
OFFICE OF THE CLERK

IN ACCORDANCE WITH THE PROVISION
OF RULE 5(e). THIS PAPER IS DEEMED
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